

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETROIS TERRELL DIXSON,
Petitioner,

v.

JEFFREY BEARD, Secretary,
California Department of
Corrections and Rehabilitation,
Respondent.

Case No. 14-cv-05069-CW

ORDER TO SHOW CAUSE

Petitioner Demetrois Terrell Dixon, an inmate incarcerated at the Tallahatchie County Correctional Facility in Tutwiler, Mississippi, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state criminal conviction from the Alameda County Superior Court. He has paid the \$5.00 filing fee. The Court accepts the petition for filing, but does not address Petitioner's argument that it is timely. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this Order on Petitioner at his current address.

2. No later than sixty days from the date of this Order,

1 Respondent shall file with this Court and serve upon Petitioner
2 an Answer conforming in all respects to Rule 5 of the Rules
3 Governing Section 2254 Cases, showing cause why a writ of habeas
4 corpus should not be issued. Respondent shall file with the
5 Answer all portions of the state record that have been
6 transcribed previously and are relevant to a determination of the
7 issues presented by the petition.

8 If Petitioner wishes to respond to the Answer, he shall do
9 so by filing a Traverse with the Court and serving it on
10 Respondent within thirty days of his receipt of the Answer. If
11 he does not do so, the petition will be deemed submitted and
12 ready for decision on the date the Traverse is due.

13 3. No later than sixty days from the date of this Order,
14 Respondent may file with this Court and serve upon Petitioner a
15 motion to dismiss on procedural grounds in lieu of an Answer, as
16 set forth in the Advisory Committee Notes to Rule 4 of the Rules
17 Governing Section 2254 Cases.

18 If Respondent files such a motion, Petitioner shall file
19 with the Court and serve on Respondent an opposition or statement
20 of non-opposition to the motion within thirty days of receipt of
21 the motion, and Respondent shall file with the Court and serve on
22 Petitioner a reply within fourteen days of receipt of an
23 opposition.

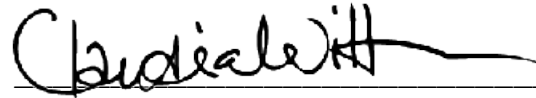
24 4. It is Petitioner's responsibility to prosecute this
25 case. Petitioner must keep the Court informed of any change of
26 address by filing a separate paper with the clerk headed "Notice
27 of Change of Address," and must comply with the Court's orders in
28 a timely fashion. He also must serve on Respondent's counsel all

1 communications with the Court by mailing a true copy of the
2 document to Respondent's counsel. Failure to do so may result in
3 the dismissal of this action, pursuant to Federal Rule of Civil
4 Procedure 41(b), for failure to prosecute.

5 5. Extensions of time are not favored, though reasonable
6 extensions will be granted. Any motion for an extension of time
7 must be filed no later than ten days prior to the deadline sought
8 to be extended.

9 IT IS SO ORDERED.

10 Dated: January 12, 2015

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12 CLAUDIA WILKEN
13 United States District Judge
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